

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Case No. 18-cr-20554

Plaintiff,

v.

Honorable Paul D. Borman

D-1 Jackie Douglas Woodburn,

Defendant.

_____ /

Stipulated Preliminary Order of Forfeiture

Plaintiff, by and through its undersigned attorneys, together with Defendant, Jackie Douglas Woodburn, by and through his attorney, Gerry Mason, Esq., submit this Stipulated Preliminary Order of Forfeiture to the Court for immediate entry, and stipulate and agree to the following.

Based on the contents of the written plea agreement, Defendant's guilty plea to Count One of the Indictment (a violation of 18 U.S.C. § 2251), this Stipulation, and other information in the record, and pursuant to 18 U.S.C. § 2253 and Rule 32.2 of the Federal Rules of Criminal Procedure, IT IS HEREBY ORDERED THAT:

1. Defendant shall forfeit to the United States the following:
 - a) Any visual depiction described in 18 U.S.C. §§ 2251, 2251A, or 2252, 2252A, 2252B or 2260, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of these subsections;
 - b) Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and

- c) Any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property.

2. The following property (which the FBI has given CATs ID 18-FBI-008003 and is hereafter referred to as the “Subject Property”) IS FORFEITED to the United States under 18 U.S.C. § 2253(a)(3) for disposition according to law, and any right, title or interest of Defendant, and any right, title or interest that his heirs, successors or assigns have, or may have, in the Subject Property is FOREVER EXTINGUISHED:

- a) One (1) Apple iMac Laptop, with scratched out serial number; and
- b) One (1) Lacie Rugged portable Hard Drive, SN 15661309212301QR.

3. The Subject Property was used or was intended to be used to commit or to promote the commission of Defendant’s violation of 18 U.S.C. § 2251 and is therefore subject to forfeiture under 18 U.S.C. § 2253(a)(3).

4. Upon entry of this order and pursuant to 21 U.S.C. § 853(n), Rule 32.2 of the Federal Rules of Criminal Procedure, and other applicable rules, the United States shall publish notice of this Stipulated Preliminary Order of Forfeiture and of its intent to dispose of the Subject Property on www.forfeiture.gov, for at least thirty consecutive days. The United States may also, to the extent practicable, provide direct written notice to any person or entity known to have an alleged interest in the Subject Property. The aforementioned notice shall direct that any person, other than Defendant, asserting a legal interest in the Subject Property must file a petition with the Court within thirty (30) days of the final date of publication

of notice or within thirty (30) days of receipt of actual notice, whichever is earlier.

The petition shall be for a hearing before the Court alone, without a jury and in accordance with 21 U.S.C. § 853(n), to adjudicate the validity of the petitioner's alleged interest in the Subject Property. Any petition filed by a third party asserting an interest in the Subject Property must be signed by the petitioner under penalty of perjury and must set forth the nature and extent of the petitioner's alleged right, title or interest in the Subject Property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the Subject Property, any additional facts supporting the petitioner's claim, and the relief sought.

5. After the disposition of any motion filed under Federal Rule of Criminal Procedure 32.2(c)(1)(A) and before a hearing on any ancillary petition, the United States may conduct discovery in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues in the ancillary proceeding.

6. This Stipulated Preliminary Order of Forfeiture shall become final as to Defendant at entry and forfeiture of the Subject Property.

7. If no third party files a timely petition before the expiration of the period provided in 21 U.S.C. § 853(n)(2), then this Stipulated Preliminary Order of Forfeiture shall become the Final Order of Forfeiture and the United States shall have clear title to the Subject Property as provided in 21 U.S.C. § 853(n)(7) and Federal Rule of Criminal Procedure 32.2(c)(2); further, the United States shall be authorized to dispose of the Subject Property as prescribed by law.

8. If a third party files a petition for ancillary hearing for the Subject Property, the Court shall enter an Amended and/or Final Order of Forfeiture that addresses the disposition of the third party petition as provided under Federal Rule of Criminal Procedure 32.2(c)(2).

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9. The Court retains jurisdiction to enforce this order, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

Agreed as to form and substance:

Matthew Schneider
United States Attorney

/s/Kevin M. Mulcahy
Kevin M. Mulcahy
Assistant United States Attorney
211 W. Fort Street, Suite 2001
Detroit, MI 48226
(313) 226-9713
Kevin.Mulcahy@usdoj.gov
Dated: January 16, 2020

/s/Gerry D. Mason (see attached)
Gerry D. Mason, Esq.
Attorney for Defendant
1700 Busha Hwy
Marysville, MI 48040
(810) 989-0057
gdblues@hahoo.com
Dated: January 17, 2020

IT IS SO ORDERED.

Dated: January 22, 2020

s/Paul D. Borman
Paul D. Borman
United States District Judge

9. The Court retains jurisdiction to enforce this order, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

Agreed as to form and substance:

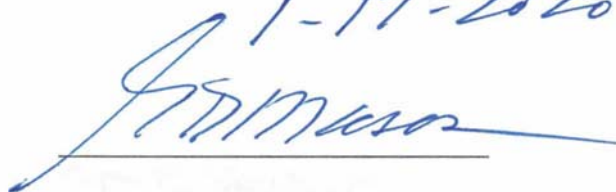
Matthew Schneider
United States Attorney

/s/Kevin M. Mulcahy

Kevin M. Mulcahy
Assistant United States Attorney
211 W. Fort Street, Suite 2001
Detroit, MI 48226

(313) 226-9713

Kevin.Mulcahy@usdoj.gov Dated:
January 16, 2020

1-17-2020


Gerry D. Mason, Esq.
Attorney for Defendant
1700 Busha Hwy
Marysville, MI 48040
(810) 989-0057
gdblues@hahoo.com
Dated: January 17, 2020

IT IS SO ORDERED.

Dated: ____

Honorable Paul D. Borman
United States District Judge